



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Samuels, J.

SERIAL NO.: 09/902,193 ART UNIT: 2642

FILING DATE: 07/10/2001 EXAMINER: Knowlin, T.

TITLE: METHOD AND APPARATUS FOR TRANSMITTING AND RECEIVING SIGNALS

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**DECLARATION UNDER 37 C.F.R. 1.131**

I, John A. Samuels, declare that I am the inventor in the above-identified United States patent application (present application) and in a parent United States application of which priority is claimed in the present application. I declare hereby further that:

The present application, having application number 09/902,193 and filing date of July 10, 2001, is a division of parent application 08//994,228 filed on December 19, 1997.

I conceived the invention set forth in the claims of said present application in Great Britain, which is a WTO country, at a time prior to December 20, 1996, which date is the filing date of Enoki U.S. patent 5,835,853 used by the examiner in rejecting

claims of said present application under 35 U.S.C. 102 and 103 as set forth in an Office Action dated September 22, 2005.

Said invention is disclosed in the text and figures of a patent application (British application) filed in Great Britain on December 23, 1996 and identified by application number 9626732.3. Said parent application claims priority, under 35 U.S.C. 119, of said British application.

The textual portion and the figures of said British application describing said invention have been in existence from a time prior to December 20, 1996.

During the period extending from a time prior to December 20, 1996 until December 23, 1996, James Seymour, who works as a patent attorney in the Intellectual Property Rights department of Nokia Mobile Phones Limited, which is the assignee of said present and parent U.S. applications, attended to the performance of tasks in Great Britain relating to the filing of the British application, these tasks including preparing an initial draft of the application describing the technical implementation of said invention, presenting the application to the inventor for review, and editing the application.

I believe that the description set forth in said textual portion and said figures of said British application show conception of said invention at a time prior to December 20, 1996, and that said tasks performed by James Seymour during said period extending from the time prior to December 20, 1996 until December 23, 1996 with the filing of the British application on December 23, 1996, and followed by the subsequent filing of said U.S. parent application on December 19, 1997 claiming priority in

the British application show diligence from the time prior to December 20, 1996 until the filing of said parent U.S. application.

And I believe further that this showing of conception prior to the filing date of Enoki U.S. patent 5,835,853 with diligence until the filing of said parent U.S. application overcomes the aforementioned rejections under 35 U.S.C. 102 and 103 so as to secure allowance of the claims in said present U.S. application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Respectfully submitted,

*J. A. Samuels*

John A. Samuels